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Sidney Picker Jr.

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## Introduction and History of the Canada-U.S. Law Institute

*Sidney Picker, Jr.\**

**I** am Sidney Picker, Jr., a member of the faculty at Case Western Reserve Law School and Executive Director of its newly established Gund Foundation International Law Center. I am also Chairman of the Canada-United States Law Institute Advisory Board, as well as the Institute's founder and initial U.S. Director. Henry King, the current U.S. Director, has asked me to welcome you to the 1991 Annual Conference on The Law and Economics of Dispute Resolution in the Canada-U.S. Context and briefly to sketch, for those of you unfamiliar with the Institute, the origins and activities of the Canada-United States Law Institute.

The Canada-United States Law Institute is a binational entity, the joint creation of the law schools of Case Western Reserve University in Cleveland, Ohio, and the University of Western Ontario in London, Ontario. The Institute was the first organization in either country designed to: (1) explore legal issues affecting the special Canada-United States relationship; and (2) examine each other's legal structures and processes in order to provide comparative law opportunities for the students and faculties of both participating law schools as well as for the public and private bar in both countries.

The two countries provide a fertile foundation for maximizing comparative law opportunities. On the one hand, they have a great deal in common, including history, geography, a cultural and political heritage, language, and economy. Thus students in either country have ready access to, and little difficulty understanding, the relevant literature of the other, and they can readily relate to the societal issues under examination. On the other hand, Canada and the United States are sufficiently different as to maximize the benefits of comparative analysis. Thus, while both countries have constitutions and federal systems, they are not alike. An examination of the other country's legal solutions within the context of its own constitutional/federal structures offers unique insights into one's own national legal solutions. These insights facilitate unique legal solutions to similar social, economic, and political problems.

In order to accomplish the two basic purposes of the Institute, five separate programs have been established which are operated with varying degrees of regularity. These are:

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\* Chairman, Canada-United States Law Institute Advisory Board; Executive Director, Gund Foundation International Law Center; Professor of Law, Case Western Reserve University, Cleveland, Ohio.

1. An exchange of law students between the two participating law schools, whereby students from each country may take one semester in the law school of the other country;
2. An exchange of faculty members between the two participating law schools, both for brief and extended (semester or year long) visits;
3. The publication of the first scholarly law journal in either country devoted exclusively to issues of common interest to both countries, the Canada-United States Law Journal (which publishes the proceedings of the current conference);
4. The sponsorship of scholarly research on comparative law and international law issues affecting both countries; and
5. The organization of conferences on subjects of common interest to both countries.

While the Institute has sponsored conferences since its inception in 1976, eight years ago it undertook a different tack by focusing annual conferences on examinations of various aspects of the Canada-United States economic relationship. Furthermore, the conference format was modified to provide a more intensive (as well as extensive) experience. These changes fostered probing in greater depth, requiring advanced preparation, and circulating background materials in advance of the conferences. It also meant extending the length of time for each conference, and scheduling each in an environment designed to promote both structured and informal interaction among participants and attendees.

The Institute owes a debt of gratitude to many individuals and organizations who have supported its various activities during the past seventeen years, both financially and intellectually. Included are the Canadian Embassy in Washington, D.C. as well as the Canadian Consulate in Cleveland, Ohio. In addition, private nonprofit institutions in both countries have contributed generously since the Institute's establishment. These include the William H. Donner Foundation, the Gund Foundation, the Cleveland Foundation, the Richard G. Ivey Foundation, and the Ontario Bar Foundation.

For Case Western Reserve Law School, it is a special pleasure to welcome everyone to the Institute's current conference, the first held following the establishment of the law school's Gund Foundation International Law Center. This Center, made possible through the generous endowment of the Cleveland-based Gund Foundation, is designed to serve as a catalyst and focal point for a constellation of pedagogical, research, externship, and outreach international law programs. The seventeen year old Canada-U.S. Law Institute is one of the most significant of these programs, and indeed, the Institute served as an inspiration and model for the more globally oriented Center.

In order to open this conference, it is my pleasure to introduce to you the person responsible for its organization and presentation, Professor Henry T. King, Jr. Professor King is the current U.S. Director of the

Institute. He came to Case Western Reserve from TRW, Inc., where he was Chief Corporate International Counsel. While at TRW he also served as a central member of the Institute's Advisory Board, and he is the person on whom I relied for advice and guidance during the critical formative years of the Institute. In addition, Professor King has served as Chairman of the Section of International Law and Practice of the American Bar Association and as U.S. Chairman of the Joint ABA-CBA Working Group on the Settlement of International Disputes.

